

CERTIFICATE OF MAILING

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Attorney for Applicant(s)

PATENT APPLICATION

Docket No.: RPS9-2003-0135US1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Dr. Ruthie D. Lyle et al.)
)
Serial No.: Not assigned yet)
) Group Art
Filing Date: September 25, 2003) Unit:
)
For: APPARATUS, METHOD, AND SYSTEM FOR)
MITIGATING ACCESS POINT DATA RATE)
DEGRADATION)

INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This Information Disclosure Statement discloses information which has come to the attention of applicant and his attorneys and is being submitted so as to comply with the duty of disclosure set forth in 37 C.F.R. § 1.56. In accordance with 37 C.F.R. § 1.97(b), this Statement is being filed within three (3) months of the filing date of the above-identified application or before the mailing date of a first Action on the merits.

Neither applicant nor his attorneys make any representation that any information disclosed herein may be "prior art" within the meaning of that term under 35 U.S.C. §§ 102 or 103. Moreover, pursuant to 37 C.F.R. § 1.97, the filing of this Information Disclosure Statement

shall not be construed as a representation that a search has been made or as an admission that the information cited herein is, or is considered to be, material to patentability as defined in 37 C.F.R. § 1.56(b).

In accordance with 37 C.F.R. § 1.98, this Information Disclosure Statement includes and is accompanied by:

1. A completed copy of Form PTO-1449 listing the patents, publications and other information being submitted for consideration; and
2. A legible copy of each patent, publication and other item of information in written form listed on the enclosed Form PTO-1449.

NON-ENGLISH INFORMATION

Pursuant to 37 C.F.R. § 1.98, following is a concise explanation of the relevance (as it is presently understood by the individual designated in 37 C.F.R. § 1.56(c) most knowledgeable about the content of the information), of each listed patent, publication or other information that is not in the English language.

Respectfully submitted,



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Date: September 25, 2003

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| FORM PTO-1449 LIST OF PATENTS AND PUBLICATIONS FOR APPLICANT'S INFORMATION DISCLOSURE STATEMENT (use several sheets if necessary) | SERIAL NO. Not yet assigned | ATTORNEY DOCKET NO. RPS9-2003-0135US1 |
| | FILING DATE September 25, 2003 | GROUP ART UNIT |
| | APPLICANT(S): Dr. Ruthie D. Lyle et al. | |

REFERENCE DESIGNATION**U.S. PATENT DOCUMENTS**

| EXAMINE R INITIAL | | DOCUMENT NUMBER | DATE | NAME | CLASS/ SUBCLASS | FILING DATE |
|-------------------------|----|--------------------|------------|-------------------|--------------------|----------------|
| | A1 | 5,048,057 | 09/10/1991 | Saleh et al. | 375/40 | 01/02/1990 |
| | A2 | 5,546,397 | 08/13/1996 | Mahany | 370/85.1 | 05/04/1994 |
| | A3 | 5,696,903 | 12/09/1997 | Mahany | 395/200.58 | 04/29/1994 |
| | A4 | 5,732,077 | 03/24/1998 | Whitehead | 370/349 | 02/28/1996 |
| | A5 | 5,933,420 | 08/03/1999 | Jaszewski et al. | 370/329 | 04/30/1996 |
| | A6 | 6,208,629 | 04/27/2001 | Jaszewski et al. | 370/329 | 03/10/1999 |
| | A7 | 6,377,608 | 04/23/2002 | Zryen | 375/132 | 09/30/1998 |
| | A8 | 6,456,848 | 09/24/2002 | Freeman et al. | 455/450 | 12/15/1999 |
| | A9 | 6,470,047 | 10/22/2002 | Kleinerman et al. | 375/232 | 02/20/2001 |

FOREIGN PATENT DOCUMENTS

| EXAMINE R INITIAL | | DOCUMENT NUMBER | DATE | COUNTRY | CLASS/ SUBCLASS | TRANSLATION | |
|-------------------------|-----|--------------------|------------|----------|--------------------|-------------|----|
| | | | | | | YES | NO |
| | A10 | WO 0180500 | 10/25/2001 | PCT | H04L 12/28 | | |
| | A11 | EP 1257090 | 11/13/2002 | European | H04L 12/28 | | |
| | A12 | EP 1257091 | 11/13/2002 | European | H04L 12/28 | | |

NON-PATENT DOCUMENTS

| EXAMINE R INITIAL | | DOCUMENT (Including Author, Title, Source, and Pertinent Pages) |
|-------------------------|--|---|
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|-----------------|------------------------|
| EXAMINER | DATE CONSIDERED |
|-----------------|------------------------|

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant(s).